



Ref: A2971138, A2979896

The Hon. Peter Hall QC
Chief Commissioner
Independent Commission Against Corruption
Level 7
255 Elizabeth St
SYDNEY NSW 2000

Dear Chief Commissioner

I refer to your correspondence to the Premier dated 12 April 2019, concerning the recently commenced corruption prevention investigation examining practices associated with lobbying, access and influence in NSW. I also refer to correspondence dated 18 April 2019 from Mr Philip Reed to me on the same matter.

The Premier has asked me to respond to these letters.

The Government welcomes the Commission's consideration of matters concerning lobbying, access and influence in NSW.

Lobbying in NSW is regulated by:

- the *Lobbying of Government Officials Act 2011* (the **Lobbying Act**),
- the *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014* (the **Lobbying Regulation**),
- the *NSW Lobbyists Code of Conduct*, which is a Schedule to the Lobbying Regulation; Premier's Memorandum M2015-13 'NSW Lobbyists Code of Conduct', and
- Premier's Memorandum M2015-05 'Publication of Ministerial Diaries and Release of Overseas Travel Information'.

Third-party lobbyists are required under the Lobbying Act to be registered on the Lobbyist Register maintained by the NSW Electoral Commission. For each registered third-party lobbyist, the Lobbying Act requires that the Register include the names of parties who have retained the third party lobbyist to provide lobbying services.

On 2 February 2019, the Premier announced that her Government, if re-elected, would require any third-party lobbyist representing a foreign state or controlled entity to disclose those links on the publicly available Lobbyist Register, or risk being blacklisted from meetings with government officials.

On 10 May 2019, the *Lobbying of Government Officials (Lobbyists Code of Conduct) Amendment Regulation 2019* was published on the NSW Government Legislation website, to amend the Lobbying Regulation. The amendments will require third-party lobbyists:

- to include on the Lobbyist Register whether any clients are foreign principals (as defined in the Commonwealth's *Foreign Influence Transparency Scheme Act 2018*), and
- to disclose whether a person or body, whose interests the lobbyist is representing, is a foreign principal before any meeting is held or other communication is made.

The amendments will take effect on 1 July 2019.

These requirements are consistent with, but operate independently of, the Commonwealth's Foreign Influence Transparency Scheme. Under that Scheme, details of individuals and entities lobbying Commonwealth public officials, or otherwise seeking to influence Commonwealth political or governmental processes, on behalf of foreign principals, are required to be published on a public register.

As the Commonwealth disclosure regime only relates to the lobbying of Commonwealth officials, politicians, entities and processes, amendments to the NSW lobbying regime were required to cover lobbying of NSW officials by third-party lobbyists on behalf of foreign states or controlled entities.

The NSW amendments adopt the definition of 'foreign principal' from the *Foreign Influence Transparency Scheme Act 2018* (Cth). The Commonwealth's definition of 'foreign principal' includes the government of a foreign country, authorities of governments of foreign countries and foreign public enterprises.

I trust you will find this information of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Reardon', with a stylized flourish at the end.

Tim Reardon
Secretary

12 June 2019